

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2010

JOSEPH RAMON LOTT,

Appellant,

v.

CASE NO. 5D09-4229

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed August 6, 2010

Appeal from the Circuit Court
for Orange County,
Walter Komanski, Judge.

James S. Purdy, Public Defender, and
Brynn Newton, Assistant Public Defender,
Daytona Beach, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Pamela J. Koller,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Joseph Ramon Lott appeals a restitution order entered following his plea of guilty to a charge of grand theft of a motor vehicle. The only issue on appeal is whether the trial court erred in conducting the restitution hearing in Lott's absence, and without notice to him, when there was no evidence that he waived his appearance at the

proceeding. The State concedes error. Accordingly, we reverse the restitution order and remand for a new restitution hearing, with proper notice to Lott.

REVERSED AND REMANDED.

ORFINGER, LAWSON and JACOBUS, JJ., concur.